

HOUSE BILL REPORT

HB 1455

As Reported by House Committee On:
Natural Resources, Ecology & Parks

Title: An act relating to reducing nuisance noise from off-road vehicles.

Brief Description: Limiting nuisance noise from off-road vehicles.

Sponsors: Representatives Haigh, Wallace, Kagi, Dickerson and Chase.

Brief History:

Committee Activity:

Natural Resources, Ecology & Parks: 2/11/05, 2/22/05 [DPS].

Brief Summary of Substitute Bill

- Creates a joint select committee composed of members of the House of Representatives and the Senate to study off-road vehicle noise management.

HOUSE COMMITTEE ON NATURAL RESOURCES, ECOLOGY & PARKS

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 6 members: Representatives B. Sullivan, Chair; Upthegrove, Vice Chair; Blake, Dickerson, Eickmeyer and Williams.

Minority Report: Do not pass. Signed by 4 members: Representatives Buck, Ranking Minority Member; Kretz, Assistant Ranking Minority Member; DeBolt and Orcutt.

Staff: Jason Callahan (786-7117).

Background:

The operators of a non-highway vehicle can be cited for a traffic violation for a number of reasons. These reasons include operating a vehicle in a manner that endangers another's property, not having proper lighting when on property not belonging to the owner, running the vehicle without a spark arrester, and driving in a manner that injures or destroys trees or other vegetation.

An operator can also be cited for a traffic violation if the muffler on the non-highway vehicle does not meet set standards. Mufflers for these vehicles must operate at a noise level of less than 87 decibels as measured on a scale set by the Society of Automotive Engineers (SAE). If a SAE test is not available, then the muffler must not emit a noise louder than 105 decibels

when measured at a 45-degree angle and 20 inches away from the exhaust pipe of a stationary non-highway vehicle running at one-half of the vehicle's maximum allowable engine speed.

Traffic infractions for non-highway vehicles are punishable by a fine of not less than \$25.

Summary of Substitute Bill:

The Joint Select Committee on Off-Road Vehicle Noise Management (Committee) is established to review various issues involving off-road vehicle (ORV) usage. The Committee is composed of four members of the House of Representatives, including the chair of the State Government, Operations, and Accountability Committee, and four members of the state Senate.

The ORV-related issues that the Committee will focus on includes the enforceability of current ORV decibel levels, the appropriateness of ORV usage requirements, the applicability of local noise ordinances, and the barriers to using public lands to create ORV riding opportunities.

The recommendations of the Committee are due by December 1, 2005.

Substitute Bill Compared to Original Bill:

The original bill lowered the maximum allowable noise from an ORV from 105 decibels to 96 decibels and stated that it is a traffic infraction to operate a non-highway vehicle in a repetitive manner or on a track on any lands zoned as residential if the vehicle is operated within 600 feet of another property owner's residence, barn, stable, or similar penned area for keeping livestock. The original bill did not contain a legislative study.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date of Substitute Bill: The bill takes effect 90 days after adjournment of session in which bill is passed.

Testimony For: (In support of original bill) Constant ORV use in neighborhoods and near residences is a problem because of the loud noise. There are appropriate places for ORV use, but that place is not near homes. Standard mufflers are loud enough, but aftermarket upgrades are even louder. Sound does not obey property boundaries, and neighbors pay the price for ORV riding. Current standards are not enforceable.

Off road vehicle noise has harmful effects. Unwanted noise can cause negative health effects, including sleep loss, stress, and high blood pressure. In addition, hearing loss is permanent. Not only are ORV decibels high, but their use can be constant over a long period of time.

Testimony Against: (Opposed to original bill) With the closures of public ORV areas, private property is the only place left where riders can enjoy their sport of choice. Most ORV riders are responsible, and have mufflers that meet current standards. A place of use restriction is overkill and punishes the majority of riders that are not irresponsible.

The ORV industry brings a lot of money into the economy, and there should not be limitations on the growth of the sport. In addition, the sport provides a healthy way for children to spend time.

Different counties have different situations. Residential density varies across the state. There should be a committee formed that can look at these situations. Any solution should work for everyone involved.

Persons Testifying: (In support of original bill) Representative Haigh, prime sponsor; E.J. Zita, Kathy O'Connor and Rob Hoff, Citizen Coalition Against Off-Road Vehicle Nuisance; Jeanette Willis; and Andrea Fonterrol.

(With concerns to original bill) Leslie Seffern.

(Opposed to original bill) Bret Kreier, National Motorists Association; Ed Bushnell, Northwest Outdoor Coalition and American Motorcyclists Association; Vicki and Dale Gray, South Sound Honda; Angela Marek, Pacific Northwest 4 Wheel Drive Association and Northwest Outdoor Coalition; Chris Paulson, Paulson's; Kevin and Monte McGrath; Eric Kangas; Stuart Dreback; William Tygart; Shan Dobson; and Barb Anderson.

Persons Signed In To Testify But Not Testifying: Rick Walsh, Puyallup Power Sports; Scott Gray, South Sound Honda; and Rob Joudey.